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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/697,358

10/30/2003

Xianglin Wang

SAM2.0032

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EXAMINER

TORRES, JOSE

ART UNIT

PAPER NUMBER

2624

MAIL DATE

DELIVERY MODE

12/21/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/697,358	Applicant(s) WANG ET AL.	
	Examiner José M. Torres	Art Unit 2624	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 10 December 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because:
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.
- NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL -324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☒ Newly proposed or amended claim(s) 3,15,16,18,20,23,35,36,38 and 40 would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: 3,15,16,18,20,23,35,36,38 and 40.
- Claim(s) objected to: _____.
- Claim(s) rejected: 1,4-14,17,19,21,24-34,37 and 39.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.


JINGGE WU
SUPERVISORY PATENT EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because: Applicant alleges even without the amendment on limitation (e) on claim 1 (See Amendment filed on August 6, 2007) to recite "at the interpolated selected image position", did not change the scope of the claims, and should not be considered as raising new issues as asserted in the Final Office Action mailed on October 17, 2007 (See Amendment After-Final filed on December 10, 2007, Page 20 lines 24-27). Examiner respectfully disagrees. As previously stated in the Final Office Action, the original limitation recited "estimating high frequency level at the selected image position", therefore, similar to the interpolation processing, the high frequency was measured in the original image, not at the interpolated image. Therefore, the amendments were not made to merely correct minor informalities.

Rejection is maintained.

In addition, Applicant alleges that Zhu neither Hrytzak fail to teach or suggest obtaining high frequency components as claimed, "estimating the high frequency level". On the other hand, that the high frequency component measured results from exact filtering of the exact interpolator (See Amendment After-Final filed on December 10, 2007, Page 22 lines 5-17). Examiner respectfully disagrees. As stated in Zhu et al. Col. 7 lines 46-67, the high frequency component is not only the result from the 2-D Marr filter, essentially a high pass filter, but also from the compensation made to address the effect of interpolation. Since interpolation itself it's an estimation, the high frequency component obtained comprises and estimation as well.

Also, as stated in Hrytzak the precalculated coefficients allow the control of the degree of sharpness and softness in the interpolated outputs based on image content (Col. 9 lines 43-45). Zhu et al. measure of high frequency component, corresponds to image content such as edges, therefore, these coefficient can represent precalculated coefficients in an interpolation system and a reason to combine.

Rejection is maintained.

With respect to claims 12-14 and 32-34, Applicant's arguments (See Amendment After-Final filed on December 10, 2007, Page 22 line 24 through Page 23 line 19) have been fully considered but they are not persuasive for at least the same reasons stated above.

Rejection is maintained.